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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Thomas Mason)
Application No.: 10/697,956) Art Unit 2887
Confirmation No.: 7798)
Filed: October 30, 2003) Patent Examiner
Title: Delayed Annunciation Of Receipt) Tae Kim
Jam For Cash Dispensing)
Automated Banking Machine)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION PURSUANT TO 37 C.F.R. § 1.132

I, Patrick C. Green, hereby declare as follows:

1. I am a former employee of Diebold, Incorporated and/or InterBold, a wholly owned subsidiary of Diebold, Incorporated (collectively referred to hereafter as "Diebold"). I was employed by Diebold as an engineer and engineering manager in the development of automated banking machines and associated hardware and software for those systems. I retired from Diebold in 2007. I began working in the automated banking machine industry in approximately 1974. I am familiar with the aspects of automated banking machines adapted to dispense cash and provide receipts for transactions, with regard to their functionality and operation.
2. It is my understanding that the present application was filed October 30, 2003 and claims earlier priority to October 31, 2002.
3. Based on my knowledge and experience, a person having ordinary skill in the art of conducting transactions using systems that include a service provider station and a customer station at the time of October 31, 2002 and/or October 30, 2003 (hereinafter a "person having ordinary skill in the art") would have had a four-year college degree in engineering, such as mechanical or electrical engineering, and would have had at least four years of experience in designing automated banking machines (or equivalent years of working experience in the design of automated banking machines).
4. I have reviewed disclosures of the references to Watari (US 2001/0003345), Sawada (US 5,835,816), and Motomura (US 4,521,102). I have also considered the combined disclosures of Watari, Sawada, and Motomura.

5. The person having ordinary skill in the art would not have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a first method of operating an automated banking machine that includes:
 - sensing failure to deliver from the machine, a first receipt that is associated with a first transaction conducted through operation of the machine;
 - sensing failure to deliver from the machine, a second receipt that is associated with a second transaction conducted through operation of the machine sequentially immediately after the first transaction, while the first receipt remains in the machine; and
 - operating at least one computer of the machine to cause generation of at least one receipt events signal, responsive to the occurrence of both the sensing failure to deliver the first receipt from the machine and the sensing failure to deliver the second receipt from the machine.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed and suggested in the combined disclosures of these references and the above noted first method.

The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced an article comprising computer readable media bearing instructions executable by at least one processor to cause an automated banking machine to carry out the above noted first method.

6. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a second method of operating an automated banking machine that includes:
 - sending a first receipt in a receipt path toward a receipt outlet of the machine;
 - determining that the first receipt is in a jammed condition in the machine; responsive to the determining, and while the first receipt remains in the jammed condition in the machine, sending a second receipt in the receipt path toward the receipt outlet, wherein the second receipt sequentially immediately follows the first receipt in the receipt path;
 - determining whether the first receipt becomes freed from the jammed condition in response to the sending of the second receipt; and responsive to a negative determination of the first receipt becoming freed from the jammed condition, generating a signal indicative of a machine malfunction.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed and suggested in the combined disclosures of these references and the above noted second method.

7. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a third method of operating an automated banking machine that includes:

printing a first receipt with a printing device in the machine,

directing the first receipt along a receipt path toward the receipt outlet,

subsequent to directing the first receipt, determining either

the first receipt failing to reach the receipt outlet, or

both the first receipt reaching the receipt outlet and the retraction device failing to retract the first receipt,

subsequent to the determining, printing a second receipt through operation

of the printing device, wherein the second receipt sequentially

immediately follows the first receipt,

directing the second receipt along the receipt path toward the receipt outlet,

while the first receipt remains in the machine,

subsequent to directing the second receipt, determining the second receipt

failing to reach the receipt outlet, and

generating a receipt jam signal responsive to both step (c) and step (f).

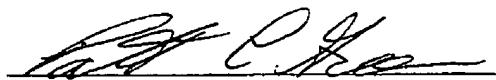
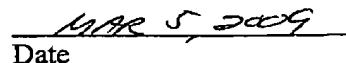
The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed and suggested in the combined disclosures of these references and the above noted third method.

8. The person having ordinary skill in the art would *not* have recognized from the combined disclosures of Watari, Sawada, and Motomura, any rationale to produce the above noted methods (or article) by: combining elements according to known methods to yield predictable results; simple substitution of one known element for another to obtain predictable results; use of known techniques to improve similar devices in the same way; applying known techniques to a known device ready for improvement to yield predictable results; choosing from a finite number of identified, predictable solutions, each with a reasonable expectation of success; known work in one field of endeavor prompting variations of such known work for use in either the same field or a different field based on design incentives or other market forces in a case where the variations would have been predictable to the person having ordinary skill in the art; or some motivation from the respective combined disclosures of these references that would have led the person having ordinary skill in the art to have arrived at the respective above noted methods (or article).

9. In conclusion, it would *not* have been obvious to the person having ordinary skill in the art, having full view of Watari, Sawada, and Motomura, to have produced the above noted methods (or article).

10. In addition, the person of ordinary skill in the art would consider the combined art (Watari/Sawada/Motomura) to be inoperative and non-enabling with respect to the subject matter of the above noted methods (and article). The person of ordinary skill in the art could not make or use the subject matter of the above noted methods (or article) from Watari/Sawada/Motomura (even if coupled with information known in the art) without undue experimentation. Nowhere does Watari/Sawada/Motomura provide any enabling disclosure which would enable a person of ordinary skill in the art to produce these methods (or article). Nor would the above noted methods (or article) be predictable from Watari/Sawada/Motomura to a person of ordinary skill in the art. The combined Watari/Sawada/Motomura does not enable the above noted methods (or article). The features of Watari/Sawada/Motomura combined with the knowledge of the person of ordinary skill in the art still would not enable the above noted first, second, and third methods (or article).

11. I hereby declare that all statements herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon.


Patrick C. Green
Date